REMARKS

This Amendment, submitted in response to the Office Action dated September 24, 2004,

is believed to be fully responsive to each point of rejection raised therein. Accordingly,

favorable reconsideration on the merits is respectfully requested.

I.   Preliminary Matters

Applicant respectfully requests that the Examiner acknowledge receipt of the priority

documents filed on December 28, 2000.

Further, Applicant respectfully requests that the Examiner approve the drawings filed

December 28, 2000.

As a final preliminary matter, Applicant respectfully requests that the Examiner initial the

IDS filed on December 28, 2000.

II.   Claim Rejections under 35 U.S.C. § 102

Claims 1, 8 and 13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by

Wafler (U.S. Patent No. 5,510,896).

Wafler discloses a digital copier including a scanner section 6, a controller section 7 and

a printer section 8. See Fig. 2. A document is scanned and a digital representation of the

scanned document is stored in memory. An actual digital representation of the known original is

stored in another memory location. See col. 6, lines 36-45. A comparator 124 compares desired

parameters of the scanned digital representation with the actual digital representation. Any

differences are compensated for and calibrated to obtain a desired input/output transfer function

for the scanner subsystem 6. See col. 6, lines 61-66.

Claim 1 recites an image processing condition setting apparatus and an image processing

apparatus. The Examiner has not specifically identified where an image processing condition

setting apparatus and an image processing apparatus are disclosed in Wafler, but only relies on

general method steps as teaching the claimed device elements. Therefore, Applicant requests

clarification from the Examiner. To the extent the rejection is understood, Applicant submits the

following in traversal of the rejection.

Claim 1 recites that the image processing condition setting apparatus comprises "an

image obtaining section for obtaining an image according to an original image *to be subjected to*

an image processing in said image processing apparatus."

The Examiner cites "scanning the known original" for teaching obtaining an image

according to an original image to be subjected to an image processing. However, at no point is

the "scanned known original" subjected to an image processing. In particular, the scanned

known original is merely compared with the known original in order to calibrate a scanner. No

actual processing is performed on the scanned known original image. Therefore, the scanned

known original image of Wafler is not subjected to an image processing.

The image processing condition setting apparatus of claim 1, further comprises "an initial

image processing condition determination section for determining an initial image processing

condition in accordance with the image obtained by said image obtaining section." The

Examiner asserts that the first "Adjust Scanner Parameters to Appropriate I/O Function" teaches this aspect of claim 1.

Claim 1 further recites "an image processing condition determination section for determining in accordance with an operation an image processing condition having *a desired deviation* from the initial image processing condition determined by said initial image processing condition determination section."

The Examiner cites a second "Are Values Same?" and "Adjust Parameters to Appropriate I/O Function" (See Fig. 6) for teaching this aspect of claim 1. However, its appears that the aspect of Wafler that performs the first and second "Are Values Same?" calculation, are both performed by the comparator section 124. Comparator section 124, which is located with a processing subsystem 7, compares any desired parameters of the scanned digital representation with the actual digital representation. Col. 6, lines 61-64; col. 7, lines 25-30. Therefore, there is no initial image processing condition determination section **and** image processing condition determination section, as recited in claim 1.

In addition, claim 1 recites "an *image processing condition setting section* for setting up the image processing condition determined by said image processing condition determination section (second "Are Values Same?" as cited by the Examiner) to said image processing apparatus." The Examiner has not established where the image processing condition setting section of claim 1 is taught in Wafler. Since the Examiner has not established where all of the

claim elements are taught in the prior art, for at least this reason, claim 1 should be deemed patentable.

Regardless, Wafler does not teach this aspect of claim 1. In particular, after the second "Are Values Same?" calculation, the printer parameters are adjusted to an appropriate I/O function. There is no indication of an image processing condition setting section, nor is there any indication that the image processing condition determined by the image processing condition determination section is set up to the image processing apparatus.

For at least the above reasons, claim 1 and dependent claim 8 should be deemed patentable. Since claim 13 recites similar elements, it should be deemed patentable for the same reasons.

Claim 8

Claim 8 recites "wherein said image processing condition determination section produces a plurality of images by a plurality of image processing based on *the image processing condition* having deviations mutually different on the image processing conditions for the initial image processing condition determined by said initial image processing condition, and determines the image processing condition of the desired image upon receipt of designation of a desired image of the plurality of images, in accordance with an operation."

The Examiner asserts that the operation of the Wafler system a plurality of times upon a plurality of initial images will inherently produce a plurality of image processing conditions. However, the operation of Wafler a plurality of times would result in a plurality of image

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processing conditions. Therefore, a plurality of images are not based on *the image processing condition* but on separate, non-related image processings.

For at least the above reasons, claim 8 should be deemed allowable.

III.   Allowable Subject Matter

The Examiner has indicated that claims 2-7 and 9-12 contain allowable subject matter and would be allowable if rewritten in independent form. At the present time, Applicant has not rewritten claims 2-7 and 9-12 in independent form since Applicant believes that claims 2-7 and 9-12 should be deemed allowable by virtue of their dependency to claim 1 for the reasons set forth above.

With respect to the Examiner's reasons for allowance, Applicant submits that the scope of the claims should be governed by the actual claim language and not the Examiner's reasons for allowance.

IV.   New Claims

Applicant has added claims 14-22 to provide a more varied scope of protection. Claims 14-21 should be deemed patentable by virtue of their dependency to claims 1 and 13 for the reasons set forth above. New independent claim 22 corresponds to subject matter deemed allowable by the Examiner.

V.   Amendments to the Specification

Applicant has amended the specification to correct grammatical errors. See above.
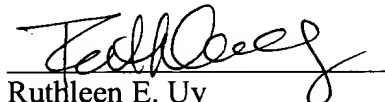
VI.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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